

Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984
Page 1

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 27, 1984

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Neil Dutson	Council Member
Craig Greathouse	Council Member
Kjell Jenkins	Council Member
Ruth Hansen	Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Sherri Terrell	City Secretary
John Quick	City Engineer
Gary Tomsic	Boettcher & Company
Ralph Stoneking	Police Officer
Jack Fowles	Planning & Zoning Chairman
Martin Ludwig	City Resident
David Taylor	City Businessman
Tom Davies	Computer Consultant
Mark Phillip	Computer Consultant
Ken Thatcher	Airport Lessee
Robert Fletcher	KNAK Radio Station
Terry Young	City Resident

Mayor Nielson called the meeting to order promptly at 7:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Regular City Council Meeting held February 13, 1984, were discussed and corrected by the Council. Council Member Ruth Hansen MOVED to adopt the minutes of February 13, 1984, as corrected. Councilman Craig Greathouse SECONDED the motion, which carried unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery presented the list of accounts payable as follows:

Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984
Page 2

UP&L	Sewer Lift	.01
UP&L	Sewer Pump	7.60
UP&L	Shop	90.55
UP&L	Factry Well	58.77
U:&L	Yard Pmp Hs	16.16
UP&L	Water Tank	557.29
CENTRAL STRS	City Bldg	Office Supplies
SCHOLZEN PRD	Water	Meter lids/rings/yokes
SCHOLZEN PRD	Water	Supplies
QUALITY IGA	P&R	Bottles/yarn/pencils
BILL CONK	Wtr/Sw/St	One used radio
COM BUS RADIO	Wtr/Sw/St	Two Antenna Kits
COMPUTER LAND	Recorder	Payroll software packet
DAY-TIMER, INC.	Council	Binder/refills/etc
CHAMBER	Council	Welcome to Delta signs
EXPRESS CO	City Bldg	Shipping office supplies
GULF STATE	Police	Case/Scope attachment
GULF STATE	Police	Gun/scope/shipping
GULF STATE	Police	Holders (IPP owes 54.50)
HIATT PRINTING	Police	Overtime forms
HIATT PRINTING	Police	Supplementary reports
LAKE PHILGAS	Shop	Propane/Comm bottles
MILD CO REC	P&Z	Diazo & xerox maps
MILD CO REC	P&Z	Diazo prints
RIDING FORD	Bldg/Police	Car Inspection
SEVIER SCHL	Council	Folios
SEVIER SCHL	Wtr/Sw	Pens
UT CRIME CON	Police	Subscription
ZIONS BOOK	Library	Books
		<hr/>
	TOTAL	3,844.93

City Recorder Dorothy Jeffery presented a bill from City Attorney Warren Peterson. Council Member Don Dafoe MOVED to pay the current bills as presented with the exception of the Chamber of Commerce bill for the "Welcome to Delta" signs and the Utah Power & Light Company bill for the water tank. Councilman Neil Dutson SECONDED the motion, which carried unanimously.

BILL FROM MASTER MUFFLER

Officer Ralph Stoneking presented the itemized bill from Master Muffler to the Council for repair of one of the police vehicles. He stated that he felt this bill was more than fair because the City was only billed 8 hours for labor, which was less than the actual hours spent. Council Member Craig Greathouse read the itemized bill. Council Member Neil Dutson MOVED to pay the bill to Master Muffler as presented. Council Member Don Dafoe SECONDED the motion, which carried unanimously.

Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984
Page 3

RANCHO MOBILE HOME PARKS ADDITIONAL WATER/SEWER HOOK-UPS

Mayor Nielson asked City Attorney Warren Peterson to report his investigation regarding the interpretation of Ordinance No. 81-24 and the related agreements affecting sewer and water connection fees at Rancho Mobile Home Park. Mr. Peterson stated that City Recorder Dorothy Jeffery has researched the City Council meeting minutes, but the minutes contained no information regarding the Rancho Mobile Home Parks additional water and sewer hook-up fee. Mr. Peterson stated that City Engineer John Quick had also looked in his records and had found nothing regarding the fee. Attorney Peterson stated that he had met with Rex Day and Lee Roper. He stated that both of these men remembered that the water and sewer connection fees for each mobile home space would be the same as the fees charged at the time of original connection of the Rancho Mobile Home Park to the City systems. He recommended that a bookkeeping fee or other costs incurred by the City under such an arrangement could be charged. Mr. Peterson stated that he felt Rex Day would be agreeable to this.

The Council discussed the possibility of Rancho Mobile Home Park expanding and concurred that additional water and sewer fees would be charged at the present rate if the park were expanded. The Council discussed the water dedication agreement that was made as part of the annexation agreement for Rancho Mobile Homes. City Manager Jim Allan stated that Rex Day has 60 units for which no water rights dedication has been made. City Attorney Warren Peterson stated that Mr. Day is proceeding to dedicate well rights and have them transferred to the City.

Council Member Kjell Jenkins MOVED to clarify Ordinance No. 81-24 to mean the water and sewer fee to be charged would be based on the rate charged at the time of the initial connection of the Rancho Mobile Home Park system when connected in 1981. Council Member Ruth Hansen SECONDED the motion.

City Attorney Peterson stated this action would only pertain to this Ordinance No. 81-24.

City Engineer John Quick suggested a time limit be established to leave the connection fees at this cost.

City Attorney Warren Peterson stated the Council could put a time limit on the connection fee agreement, or they could wait until an addition was presented and make their ruling then.

Mayor Nielson asked for a vote on the motion. The voting was unanimous, and the motion carried.

DAVID TAYLOR: PROPOSAL FOR COMPUTER SYSTEM

Mr. David Taylor stated he was aware that the City was having problems with its computer system and that the City might be interested in looking at another computer system. Mr. Taylor has approached the City Recorder and other City officials and was told that another system would not be considered until the present computer problem was resolved.

Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984
Page 4

Mr. Taylor and his consultants, Mark Phillip and Tom Davies, have talked with the administrative staff for their input. Mr. Taylor introduced his associates and asked Mark Phillip to present their computer system analysis proposal.

Mark Phillip introduced himself and Tom Davies. He gave a brief summary of their education, knowledge, and experience in the computer field. A copy of the proposal and recommendation for a computer system was provided to the Council, Mayor, and City Manager. He went over these and answered questions.

RENTAL SPACE AT DELTA CITY AIRPORT

City Manager Jim Allan stated that Mr. Ken Thatcher was interested in leasing available space at the Delta City Municipal Airport for a hangar. Mr. Allan stated that Mr. Thatcher would like a ten year lease with an option of extending the contract for two additional 5 year terms. The hangar site would be 50 feet by 60 feet, plus a strip from the approach to the hangar. Based on the total amount of ground involved, the fee for a ten year lease was set at \$2,880.00.

City Attorney Warren Peterson recommended that after the initial 10 year lease agreement had expired, the airport hangar become property of Delta City. He stated that it would cover the City if Mr. Thatcher did not wish to renew his contract at this time. Mr. Peterson recommended the hangar be built according to City specifications.

The City Attorney Peterson pointed out the City would not be liable for any loss or injury to the lessee, nor would the City be responsible to furnish utilities to the hangar.

Mr. Thatcher stated he would pay \$2,880 for the ten year lease at the time the agreement is signed. He stated the building he has ordered meets the Utah State specification requirements, and the land has been surveyed and staked. City Attorney Peterson confirmed he had received the survey report.

Council Member Ruth Hansen MOVED to authorize the Mayor to sign the lease agreement with Ken Thatcher to lease the hangar space for a period of ten years with two five-year options. Council Member Neil Dutson SECONDED the motion, which carried unanimously.

The Council discussed space availability at the Delta Municipal Airport. When the master plan is completed it will help to determine how much additional space is available.

PLANNING & ZONING RECOMMENDATION FOR ZONE CHANGE DESIGNATION ON BLOCK 49 LOT 1 PLAT A FROM CB TO R-4C AND SCHEDULE A PUBLIC HEARING

Planning & Zoning Chairman Jack Fowles presented a map and pointed out the area proposed for a zone change. The Council discussed the zoning in the area and the zoning ordinances that are now in effect.

Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984

Page 5

Councilman Craig Greathouse MOVED to set a public hearing date for Monday, March 19, 1984, at 6:30 p.m., to consider the zone change petition from Jack Fowles to change Block 49 Lot 1 Plat A from CB to R-4C. Councilman Don Dafoe SECONDED the motion. The motion carried with Council Members Dafoe, Greathouse, Jenkins and Hansen voted in the affirmative. Council Member Dutson abstained.

City Attorney Warren Peterson stated he would like the Council to consider the possibility of setting up the zones with performance criteria. This would allow for a development zone and would protect existing land values. The Council discussed the possibility briefly. This matter will be brought up at later date.

UTAH STATE LIBRARY LEASE FOR SPACE IN MUNICIPAL BUILDING

City Attorney Warren Peterson presented the lease agreement which City Manager Jim Allan had requested from the State Library Board. Both concurred the agreement only favored the State Library Board and was not in the best interest of the City. Mr. Peterson pointed out that the agreement permitted the State Library to conduct functions of the entire library and did not require the use of State books within the facility. The Council discussed items of the Utah Library's proposed lease.

City Attorney Peterson stated he had prepared a lease agreement upon the request of the City Manager, but it was not yet in final form. Mr. Peterson was preparing a lease for the State on use of the Library, using the Chamber of Commerce Lease Agreement for the City Building so the contract would be consistent with the other contracts. In addition, the following items are to be included in the Utah State Library Lease Agreement: there is to be 247 square feet in the State work room; it entitles the State to use available shelving; it requires \$10,000 for a 15 year lease; it requires additional rent fees for utilities; a sublessee must be a public agency; it requires the State to have adequate insurance; and it stipulates the practices of the State Library are to be the same as Delta City.

Council Member Ruth Hansen MOVED to reject the proposed lease agreement from the Utah State Library for space in the Delta City Municipal Building and authorized the City Manager to negotiate this matter as outlined by the City Council. Councilman Craig Greathouse SECONDED the motion, which carried unanimously.

DELTA WEST ANNEXATION

Council Member Greathouse stated the public meeting on the Delta West Annexation showed the majority of the people in Lyman Row were not in favor of the annexation. Out of the 64 small lots within Lyman Row, only 5 property owners have signed the petition to be annexed. Councilman Greathouse asked the Council if they wished to continue with the annexation. He explained the following options: (1) drop the Delta West Annexation, (2) try for additional signatures in Lyman Row so that Delta West Annexation

Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984
Page 6

could proceed, (3) drop Lyman Row from the annexation and proceed with the remaining area, or (3) annex those only on South side of "A" Street bordering Lyman Row.

Councilman Greathouse pointed out on the map those people wishing to be annexed and asked the Council for direction. The Council directed Mr. Greathouse to include those who wanted to come into Delta City and proceed from there. They outlined proposed boundary lines for the annexation.

CITY ENGINEER JOHN QUICK: STREET PROJECT

City Engineer John Quick presented maps of four cost options for the street improvement project. The cost for a system designed to address total drainage, street pavement, curb and gutter on the maximum cost proposal would be \$7,500,000. The remaining systems are designed at a significant cost reduction below the maximum proposal, as well as reduced systems development in the street project. The Council discussed the proposals and concurred to consider the proposals and discuss alternatives with Mr. Quick. The Council would base their guidance on continuation of design work on the financial alternatives permitted.

STREET PROJECT FINANCE PRESENTATION

Gary Tomsic, Beottcher and Company representative, presented various funding options for the street improvement project financing. He stated the most feasible alternative would be to receive a \$1,250,000 loan for 20 years from the Community Impact Board, plus a grant.

There was a long discussion of different alternatives that could provide additional money for the street project.

Mr. Tomsic stated that regardless of the alternative chosen there would have to be a bond election, unless a Special Improvement District was formed, in which case a series of Public Hearings would be required. Mr. Tomsic stated he would provide the City Manager with a written outline of the various financial proposals which could be used in obtaining public input.

RECOMMENDATION FOR APPOINTMENT OF CITY TREASURER

City Manager Jim Allan stated that after interviewing and evaluating the candidates he would recommend Doyle Bender for the position of Delta City Treasurer and that Mr. Bender be offered the position.

Council Member Craig Greathouse MOVED to extend an offer of employment for the position of Delta City Treasurer to Doyle Bender and that City Manager Jim Allan contact him to offer the position at a salary of \$1350 per month. Council Member Neil Dutson SECONDED the motion, which carried unanimously.

OTHER BUSINESS

Mayor Nielson stated Larry Morris had contacted him inquiring if the Council would permit him to put additional mobile homes at his park. The Mayor

Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984
Page 7

explained that Larry Morris' trailer park is presently not zoned for this use, but that Mr. Morris has been permitted to continue business as an existing, non-conforming use. The Council discussed the matter and decided that Mr. Morris would not be permitted to expand the use of the park.

Mayor Nielson recognized Terry Young and asked him if he would like to present his problem to the Council. Mr. Young stated he has lived at 30 East 280 North, Delta, for about 1 month. Previously he has lived in Delta at another residence for nearly 2½ years. At his new residence, Mr. Young wants the water turned on in his name; however to do so would require him to make a \$100 deposit. He stated that he had made a check out to the City for this amount and had written "loaned to the City at 18% interest" on the check. Mr. Young stated that his wife had brought the check in for the deposit and was informed that a delinquent bill in the previous occupants name needed to be paid before the water could be turned on in their name. She paid the bill and received receipts for both the bill and the deposit. Mr. Young showed the Council the receipts and then stated that he had received his check back and was told that the City could not accept the check because of the stipulation of the loan at 18% interest.

Councilman Greathouse explained to Mr. Young that the City was not set up to pay interest on the deposits. This would take more time and money for the City to pay interest to each individual customer than the payment of the interest.

The Council concurred not to waive the deposit fee and apologized to Mr. Young for a \$5.80 error in the billing. The Council assured Mr. Young that he would be refunded the \$5.80 and informed him that, if he wanted to be hooked to the City water, he would have to comply to the City rules and regulations.

Mayor Nielson told Mr. Young that he could come in and pay his deposit with no stipulations written on the check. Mayor Nielson informed Mr. Young that he would have to comply with these requirements if he wished to receive the City's water service.

Councilman Craig Greathouse informed the Council that survey bench marks had been covered up by the street department. City Manager Jim Allan stated he would make the Public Works Superintendent aware of this problem.

City Attorney Warren Peterson presented a proposed ordinance modifying the water dedication requirement for the Millard School District Annexation, as asked for by the School Board. He recommended tha this be brought back at the next City Council meeting.

City Attorney Warren Peterson stated that Ella Sannes had complained of the snow not being removed from the sidewalk in front of the City Building. City Manager Jim Allan stated that Public Works Superintendent Neil Forster was aware of the problem and would rectify it.

City Attorney Peterson stated that he had received notice of litigation involving the City, and would like to discuss the matter in closed session.

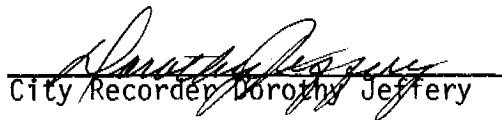
Minutes: REGULAR CITY COUNCIL MEETING, February 27, 1984
Page 8

Councilman Don Dafoe MOVED to go into a closed session to discuss strategy on the pending litigation. Council Member Ruth Hansen SECONDED the motion, which passed unanimously. They went into a closed session at 11:10 p.m.

After the Council discussed the litigation involving the City, Council Member Don Dafoe MOVED to return into an open session. Council Member Ruth Hansen SECONDED the motion, which carried unanimously.

Council Member Neil Dutson MOVED to adjourn the City Council Meeting. Council Member Kjell Jenkins SECONDED the motion. The motion carried unanimously and the Mayor adjourned the meeting at 11:41 p.m.


Mayor Grant S. Nielson


City Recorder Dorothy Jeffery

MINUTES OF A PUBLIC HEARING HELD MARCH 5, 1984

PRESENT

Grant S. Nielson
Don Dafoe
Neil Dutson
Craig Greathouse
Ruth Hansen

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

Kjell Jenkins

Council Member

OTHERS PRESENT

Jim Allan
Warren Peterson
Dorothy Jeffery
Sherri Terrell

City Manager
City Attorney
City Recorder
City Secretary

Mayor Nielson being present called the meeting to order at 6:38 p.m. He stated the purpose of the Public Hearing is to receive public input regarding a proposed ordinance amending the zoning ordinance of Delta, Utah to provide for a waiver of yard requirements for approved condominium units.